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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/909,537 | 07/20/2001 | James M. Mathewson II | RSW920010103US1 | 1973 |

7590 04/21/2005

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| EXAMINER |
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CHEA, PHILIP J

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| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/909,537 | Applicant(s) MATHEWSON ET AL. | |
| | Examiner Philip J Chea | Art Unit 2153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to an Amendment filed December 13, 2004. Claims 1-25 are currently pending. Rejections not set forth below have been overcome by the current Amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creswell et al. (US 6,775,690), and further in view of Johnson et al. (US 5,325,310).

As per claims 1, 18, and 22, although the system disclosed by Creswell et al. shows handling time-sensitive messages, as claimed, comprising steps of:

- marking a message as time-sensitive (see column 2, lines 14-17, where the originator of the message has the option of setting time parameters);
- sending the marked message to a recipient (see column 2, lines 31-35, where "another message" indicates that a first message was sent), such that the marked message is received at a computing device of the recipient within a time period of the time-sensitivity (see column 4, lines 3-18);
- automatically receiving a reply from the recipient regarding the marked message within the time period of the time-sensitivity (see column 5, lines 45-50, where the automatic reply is sent from the recipient through the mail server),

it fails to disclose, that the message will automatically be rendered to the recipient.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Creswell et al., as evidenced by Johnson et al.

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In an analogous art, Johnson et al. disclose a mail message delivery system where the recipient is required to view or read the message by electing to require the recipient to reply or acknowledge the mail (see columns 3 and 4, lines 64-67 and 1-2). Further disclosing automatically rendering the mail by requiring a proper response in order to exit the mail (see column 4, lines 25-32). Given the teaching of Johnson et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Creswell et al. by automatically rendering the message to a recipient, such as disclosed by Johnson et al., in order to ensure that the recipient views or carefully reads the message.

As per claim 2, Creswell et al. in view of Johnson et al. further disclose whether snoozing is allowed by the recipient for the message. (see Johnson et al. column 4, lines 27-31, because the sender has an option of marking a message object so that it cannot be exited, it is implied that the message could be exited if not marked by the sender, therefore allowing the recipient to snooze).

As per claims 3, 19, and 23, Creswell et al. in view of Johnson et al. further disclose indicating an ending time for the time period of sensitivity (see Creswell et al. column 2, lines 25-30, where not being able to open the message after a certain time implies the ending time).

As per claim 4, Creswell et al. in view of Johnson et al. further disclose indicating a start time for the time period of sensitivity (see Creswell et al. column 2, lines 25-30, where not being able to open the message before a certain time indicates the start time).

As per claims 5, 7, 20 and 24, Creswell et al. in view of Johnson et al. disclose a system, as claimed, comprising:

- means for receiving messages by a recipient to whom they are addressed (see Creswell et al. column 4, lines 11-15, where the delivered message is sent to the recipient);
- means for determining whether a selected one of the received message is time-sensitive, and whether a time period of time-sensitivity has been reached (see Creswell et al. column 4, lines 9-15, where detecting time code determines whether a received message is time-sensitive); and

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- means for requiring the selected one to be rendered to the recipient if so (see Johnson et al. column 4, lines 25-32, see claim 1, for motivation to combine Creswell et al. and Johnson et al. to teach this limitation).

As per claim 6, Creswell et al. in view of Johnson et al. further disclose requiring the recipient to respond to the rendered message (see Johnson et al. column 3, lines 64-68).

As per claim 8, Creswell et al. and Johnson et al. fail to disclose suppressing the requiring step unless a time period of the time-sensitivity has been reached. Nonetheless, it would have been obvious to a person having ordinary skill in the art to suppress the requiring step unless the time period has been reached, in order to allow the recipient to complete current tasks and review the message at a more convenient time until the message *must* be responded to.

As per claims 9, 10, and 13, Creswell et al. and Johnson et al. fail to disclose allowing the recipient to suppress (delay) the requiring step within the time period of sensitivity. Nonetheless, it would have been obvious to a person having ordinary skill in the art to allow the recipient to suppress (delay) the requiring step until a later time, wherein the later time is within the time period of sensitivity, if snoozing is allowed. The reason for doing so would be for the benefit of the recipient. If the message does not have to be immediately acknowledged, and he/she were in the process of responding to another important message, it would be beneficial to delay the requirement of the new message so they can finish with their current one. The motivation for allowing this to occur within the time period of sensitivity is because the message is only urgent within the time period.

As per claim 11, Creswell et al. in view of Johnson et al. further disclose requiring employees to read a notice and send a note back to the sender (see Johnson column 4, lines 6-11).

As per claim 12, although Creswell et al. in view of Johnson et al. disclose determining whether processing of the rendered selected one is complete (see Johnson et al. columns 7 and 8, lines 63-68 and 1-4, where it is determined if an action taken by the recipient satisfies the response),

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it fails to disclose remembering the rendered selected one for subsequent evaluation at a later time within the time period of sensitivity. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Creswell et al. in view of Johnson et al.

It would have been obvious to a person having ordinary skill in the art to be able to save the incomplete response to the message. Motivation for doing so is in case the recipient needs to leave and cannot finish the response immediately; it can be saved and finished at a later time within the period of time sensitivity while the message is still relevant.

As per claim 14, Creswell et al. in view of Johnson further disclose the messages being e-mail (see Creswell et al. column 2, lines 21-25).

As per claim 17, Creswell et al. in view of Johnson et al. disclose determining whether a hierarchy of event notification techniques has been defined for various intervals of time-sensitivity (see Creswell et al. columns 3 and 4, lines 65-67 and 1-18, where the time codes are intervals of event notification).

As per claims 21 and 25, Creswell et al. in view of Johnson et al. disclose determining whether the time-period of time-sensitivity has been exceeded (see Creswell et al. column 5, lines 55-61, where the expiration of the time code is determined). Creswell et al. in view of Johnson et al. does not expressly disclose the means for requiring being suppressed if the time period of time-sensitivity has been exceeded. Nonetheless, it would have been obvious to a person having ordinary skill in the art to suppress the requiring step if the time period was exceeded. The motivation for doing so is because the message would no longer be valid after the time period. For instance, if the message were to indicate a meeting from 2 pm to 3 pm in the afternoon with a period of time-sensitivity between 1 pm and 2 pm, it would be unnecessary to require the recipient to respond to the message if the current time is 4 pm.

3. Claims 15 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Creswell et al. in view of Johnson et al. as applied to claim 7 above, and further in view of Lee et al. (U.S. 6,212,553). Although the system disclosed by Creswell et al. in view of Johnson et al. show substantial features of the claimed invention (discussed above), it fails to disclose the electronic messages being calendar events and to-do items. Nonetheless, these features are well known in the art and would have been an obvious

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modification of the system disclosed by Creswell et al. in view of Johnson et al., as evidenced by Lee et al.

In an analogous art, Lee et al. disclose a message system tailored to a variety of tasks, including scheduling (scheduling = calendar events), electronic mail, and to-do lists (see column 21, lines 21-24).

Given the teaching of Lee et al. a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Creswell et al. in view of Johnson et al. by employing messages that are calendar events and to-do items, such as disclosed by Lee et al., in order to ensure tasks that require a timely response, such as remembering appointments in a calendar event or a task in a to-do list, are completed.

Response to Arguments

4. Applicant's arguments with respect to claims 1,7,15,16,18,20,22,24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Theimer; Marvin M. et al.

US 5493692 A

Godfrey; James et al.

US 6463463 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 3/24/05



KRISNA LIM
PRIMARY EXAMINER